

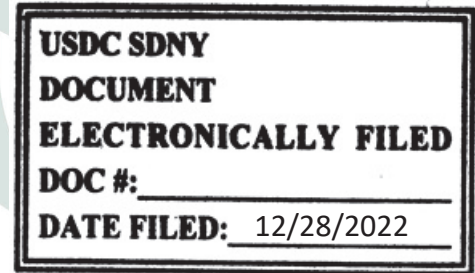
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December 28, 2022

LETTER-MOTION – FILED VIA ECF

Hon. Stewart D. Aaron, U.S. Magistrate Judge
U.S District Court, Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 1970
New York, NY 10007

Application GRANTED, SO ORDERED.

Dated: December 28, 2022

**Re: *Johnson v. Tennyson, et al.* (1:22-cv-05683-JMF-SDA)
Second Letter-Motion for Extension of Time of
Scheduling Order for Damages Inquest**

Dear Judge Aaron,

This firm is counsel to the Plaintiff, Eric Johnson, in the above-referenced action. Pursuant to Rules 5.2 and 7.1 of the Local Rules of the U.S. District Court for the Southern District of New York, Rule 13.1 of the ECF Rules & Instructions of the U.S. District Court for the Southern District of New York, and Your Honor's Individual Practices, Plaintiff, by and through his undersigned attorneys, hereby respectfully moves the Court for a 7-day extension of the deadlines for the parties' damages inquest submissions under the Scheduling Order for Damages Inquest (Dkt. 42) (the "Damages Inquest Order"), as extended by the Court's prior extension of the deadlines under the Damages Inquest Order by order of December 7, 2022 (Dkt. 44), in the above-referenced action.

The reason for this request is further delays experienced in gathering documents, materials, and information relevant to Plaintiff's damages and relief to be sought in connection with the damages inquest, caused by the holidays and client work commitments, including time-sensitive client work commitments that arose since the Court's granting of Plaintiff's prior extension request. Accordingly, Plaintiff respectfully seeks a modest extension of only seven (7) additional days to file his damages inquest submission.

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The requested extension of 7 days of the deadlines under the Damages Inquest Order, as extended by the court's prior extension, would set the deadlines as follows:

- Plaintiff's deadline to serve Defendants and file Proposed Findings of Fact and Conclusions of Law: extended from January 4, 2023, to **January 11, 2023**.
- Defendants' deadline to send to Plaintiff's counsel and file their response to Plaintiff's submissions: proposed extension from January 25, 2023, to **February 1, 2023**.

This is Plaintiff's second request for an extension of time of the deadlines under the Scheduling Order for Damages Inquest – and, absent extraordinary circumstances, will be Plaintiff's final such request. Because Defendants have not appeared in this action since withdrawal of their prior counsel and are in default (*see* Dkt. 36, 40), Plaintiff's counsel is unable to confirm Defendants' consent to this request. The requested extension of time will not impact any other scheduled dates in this action.

Thank you for your time and consideration.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Alex Malbin', with a stylized flourish at the end.

Alexander Malbin, Esq.

*Counsel for Plaintiff,
Eric Johnson*